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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,885	02/06/2004	Albert L. Hankins	29017	7457
<div>7590 06/18/2007</div> <div>Edward A. McConwell, Jr. 5925 Beverly Mission, KS 66202</div>				
			EXAMINER PASCUA, JES F	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,885

Applicant(s)

HANKINS ET AL.

Examiner

Jes F. Pascua

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-10 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10 and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the strap attaching structure (claims 14 and 15) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, "the inside panel" lacks antecedence.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 7, 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,938,572 to Spano.

Spano discloses a device comprising first and second compartments (which read on the "tote bags") each compartment including inner and outer panels. Fastened to the inner panel of each compartment is hook and loop material. Coupling the compartments together is a coupling panel having a first end coupled with the inner panel of the first compartment and an opposing second end coupled with the inner panel of the second compartment. Beneath the coupling panel and spanning between the first and second coupling panel ends is a securing strap assembly.

The hook and loop material of Spano meets the "attachment structure" as set forth in claims 2 and 10 and therefore capable of performing the function of securing the first and second compartments in close proximity of each other.

Regarding claims 7 and 16, wherever the compartments of Spano are gripped to be manipulated is considered to meet the recitation "a first handle attached to the first bag, and a second handle attached to the second bag".

6. Claims 1, 3, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,580,706 to Jackson et al.

Jackson et al. discloses an accessory device comprising first and second tote bags (10, 12), each tote bag including inner and outer panels. Fastened to the inner panel of each tote bag is an attachment structure (68) for selectively securing the first and second tote bags in close proximity to each other. Coupling the tote bags together are straps (90, 90'), which meet the claimed "coupling panel". Each strap has a first end coupled with the inner panel of the first tote bag and an opposing second end coupled with the inner panel of the second tote bag. Beneath the straps and spanning substantially between the first and second strap ends is a securing strap assembly (112, 116) for securing the accessory device to a seat. The securing strap assembly includes a strap having opposed ends and a clasp (114, 118) positioned at the ends of the strap permitting the straps (90, 90') to be placed in a position on top of the seat and the securing strap assembly (112, 116) to be placed underneath the seat. See Fig. 1. The accessory device further includes a first handle (66) attached to the first tote bag, a

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second handle (66) attached to the second tote bag and a handle attaching structure (67), which includes snaps (69), for selectively attaching the first and second handles to each other.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 9, 10 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. and U.S. Patent No. 5,947,241 to Rausch.

Jackson et al. discloses the claimed invention except that Jackson et al. discloses the attachment structure (68) and the handle attaching structure (67) using snaps instead of hook and loop material. Rausch shows that hook and loop material is an equivalent structure known in the art. Therefore, because these two fastening means were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the snaps of Jackson et al. for hook and loop material.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. and U.S. Patent No. 5,630,536 to Bugnaski.

Jackson et al. discloses the claimed device except for each tote bag having an attached shoulder strap. Bugnaski discloses that it is known in the art to attach a shoulder strap to each tote bag of an accessory device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tote bags of Jackson et al. with the shoulder straps of Bugnaski, in order to facilitate carrying the tote bags when they are secured in close proximity to each other.

10. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al., Rausch and Bugnaski.

Jackson et al. and Rausch disclose the claimed device, as discussed above, except for each tote bag having an attached shoulder strap. Bugnaski discloses that it is known in the art to attach a shoulder strap to each tote bag of an accessory device. Furthermore, Bugnaski discloses that it is known to provide a strap attaching structure (15) for selectively attaching the shoulder straps to each other. The strap attaching structure of Bugnaski includes a hook and loop material fastened to one of the shoulder straps (via a flexible binding) and a hook and loop material fastened to the other shoulder strap. See Fig. 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tote bags of Jackson et al. with the shoulder straps of Bugnaski, in order to facilitate carrying the tote bags when they are secured in close proximity to each other.

Response to Arguments

11. Applicant's arguments with respect to claims 1-4, 7-10 and 14-18 have been considered but are moot in view of the new grounds of rejection.

Conclusion


12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jes F. Pascua whose telephone number is 571-272-4546. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jes F. Pascua
Primary Examiner
Art Unit 3782

JFP